



## **COUNCIL CHAMBERS**

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

<b>COUNCIL MEMBERS</b>	<b>REDEVELOPMENT AGENCY</b>
Steve Tate, Mayor	Steve Tate, Chair
Larry Carr, Mayor Pro Tempore	Larry Carr, Vice-Chair
Mark Grzan, Council Member	Mark Grzan, Agency Member
Marby Lee, Council Member	Marby Lee, Agency Member
Greg Sellers, Council Member	Greg Sellers, Agency Member

**WEDNESDAY, JUNE 27, 2007**

**AGENDA**

**JOINT MEETING**

**CITY COUNCIL SPECIAL AND REGULAR MEETING**

**and**

**REDEVELOPMENT AGENCY REGULAR MEETING**

**6:30 P.M.**

*A Special Meeting of the City Council is Called at 6:30 P.M. to Conduct Interviews for the Senior Advisory Commission.*

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**Steve Tate, Mayor/Chairman**

**CALL TO ORDER**

(Mayor/Chairperson Tate)

**ROLL CALL ATTENDANCE**

(Municipal Services Assistant Rice)

**DECLARATION OF POSTING OF AGENDA**

**Per Government Code 54954.2**

(Municipal Services Assistant Rice)

**6:30 P.M.**

## ***City Council Action***

### **INTERVIEWS:**

	<b>Time Estimate</b>		<b>Page</b>
1.	30 Minutes	<b><u>INTERVIEWS TO FILL A VACANCY ON THE SENIOR ADVISORY COMMISSION</u></b> .....	<b>1</b>
		<b><u>Recommended Action(s):</u></b>	
		1. Council <b><u>Discussion</u></b> About the Characteristics/Traits it is Seeking in Candidates to Serve on the Senior Advisory Commission;	
		2. Council to <b><u>Conduct</u></b> Interviews;	
		3. Council to <b><u>Identify</u></b> its Top Candidate, Plus 1, as Deemed Appropriate; and	
		4. Mayor to <b><u>Return with Recommended</u></b> Appointments for Council Discussion and Ratification of Appointments; or	
		5. Mayor to Appoint to Fill One Vacancy, Subject to City Council Ratification.	

**7:00 P.M.**

### **SILENT INVOCATION**

### **PLEDGE OF ALLEGIANCE**

### **PRESENTATION**

International Bluegrass Museum Hall of Honor Inductee  
*Jake Quesenberry*

### **PROCLAMATIONS**

### **RECOGNITIONS**

### **CITY COUNCIL REPORTS**

Council Member Sellers

### **CITY COUNCIL COMMITTEE REPORTS**

### **CITY MANAGER'S REPORT**

### **CITY ATTORNEY'S REPORT**

### **OTHER REPORTS**

### **PUBLIC COMMENT**

**NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.**

(See notice attached to the end of this agenda.)

**PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME THE ITEM IS ADDRESSED BY THE COUNCIL. PLEASE COMPLETE A SPEAKER CARD AND PRESENT IT TO THE CITY CLERK.**

(See notice attached to the end of this agenda.)

PLEASE SUBMIT WRITTEN CORRESPONDENCE TO THE CITY CLERK/AGENCY SECRETARY. THE CITY CLERK/AGENCY SECRETARY WILL FORWARD CORRESPONDENCE TO THE CITY COUNCIL/REDEVELOPMENT AGENCY.

## *City Council and Redevelopment Agency Action*

### ADOPTION OF AGENDA

## *City Council Action*

### CONSENT CALENDAR:

**ITEMS 2-23** The Consent Calendar may be acted upon with one motion, a second and the vote, by each respective Agency. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

	<b>Time Estimate</b>	<b>Page</b>
	<b>Consent Calendar: 1 - 10 Minutes</b>	
2.	<b><u>NEW LIBRARY PROJECT – FINAL CONSTRUCTION PROGRESS REPORT</u></b> ..... 17 <b><u>Recommended Action(s):</u></b> <u>Information</u> Only.	
3.	<b><u>NEW OUTDOOR SPORTS CENTER PROJECT – MAY CONSTRUCTION PROGRESS REPORT</u></b> ..... 23 <b><u>Recommended Action(s):</u></b> <u>Information</u> Only.	
4.	<b><u>DONATION OF SURPLUS COMPUTER EQUIPMENT</u></b> ..... 29 <b><u>Recommended Action(s):</u></b> <u>Authorize</u> the Purchasing Officer to Donate Used Computer Equipment to Public Educational Institutions, as Described in the Staff Report.	
5.	<b><u>MAY 2007 FINANCE &amp; INVESTMENT REPORT – CITY</u></b> ..... 31 <b><u>Recommended Action(s):</u></b> <u>Accept</u> and <u>File</u> Report.	
6.	<b><u>AMEND CITY OF MORGAN HILL FISCAL YEAR 2006-2007 BUDGET</u></b> ..... 59 <b><u>Recommended Action(s):</u></b> <u>Approve</u> Budget Actions Detailed in Exhibit A.	
7.	<b><u>COUNCIL RESOLUTION SUPPORTING GRANT FUNDING FOR ADDITIONAL TRANSPORTATION DEVELOPMENT ACT (TDA) ARTICLE 3 FUNDING</u></b> ..... 73 <b><u>Recommended Action(s):</u></b> 1. <u>Approve</u> Resolution Supporting the 2007-2008 TDA Article 3 Grant Funding for an Additional \$9,000 to Complete the Trails and Natural Resources Study; and 2. <u>Appropriate</u> \$20,000 from the City's Un-Appropriated Park Development Fund Balance (302) to Cover These Additional Services and Additional CIP Administration Costs for Completing the Study.	
8.	<b><u>AWARD OF CONTRACT TO PROVIDE PLAN CHECKING SERVICES ASSISTANCE ON AN AS-NEEDED BASIS</u></b> ..... 83 <b><u>Recommended Action(s):</u></b> 1. <u>Approve</u> Fiscal Year 2007-2008 Professional Services Contract with Harris & Associates to Provide Contract Plan Checking Services on an As-Needed Basis at a Not-to-Exceed Fee of \$119,900; and 2. <u>Authorize</u> the City Manager to Execute the Contract, Subject to Review and Approval by the City Attorney.	

	<b>Time Estimate</b>	<b>Page</b>
	<b>Consent Calendar: 1 - 10 Minutes</b>	
9.	<b><u>SUPPORT OF GREEN CHALLENGE 07-09 PROGRAM</u></b> .....	85
	<b><u>Recommended Action(s):</u></b> <b><u>Become</u></b> an Official Sponsor of the Green Challenge 07-09 Program.	
10.	<b><u>FINAL MAP APPROVAL FOR ROSE GARDEN PHASE I (TRACT 9880)</u></b> .....	87
	<b><u>Recommended Action(s):</u></b>	
	1. <b><u>Approve</u></b> the Final Map, Subdivision Agreement, and Improvement Plans;	
	2. <b><u>Authorize</u></b> the City Manager to Sign a Subdivision Improvement Agreement on Behalf of the City, Subject to Review and Approval by the City Attorney; and	
	3. <b><u>Authorize</u></b> the Recordation of the Final Map and the Subdivision Improvement Agreement Following Recordation of the Development Improvement Agreement.	
11.	<b><u>FINAL MAP APPROVAL FOR SAN SAVINGNO PHASE I AND II (TRACT 9853)</u></b> .....	91
	<b><u>Recommended Action(s):</u></b>	
	1. <b><u>Approve</u></b> the Final Map, Subdivision Agreement, and Improvement Plans;	
	2. <b><u>Authorize</u></b> the City Manager to Sign a Subdivision Improvement Agreement on Behalf of the City, Subject to Review and Approval by the City Attorney; and	
	3. <b><u>Authorize</u></b> the Recordation of the Final Map and the Subdivision Improvement Agreement Following Recordation of the Development Improvement Agreement.	
12.	<b><u>FINAL MAP APPROVAL FOR CAPRIANO PHASE 8 (TRACT 9919)</u></b> .....	95
	<b><u>Recommended Action(s):</u></b>	
	1. <b><u>Approve</u></b> the Final Map, Subdivision Agreement, and Improvement Plans;	
	2. <b><u>Authorize</u></b> the City Manager to Sign a Subdivision Improvement Agreement on Behalf of the City, Subject to Review and Approval by the City Attorney;	
	3. <b><u>Authorize</u></b> the City Clerk to Sign the Final Map Authorizing Abandonment of Unused Easements; and	
	4. <b><u>Authorize</u></b> the Recordation of the Final Map and the Subdivision Improvement Agreement Following Recordation of the Development Improvement Agreement.	
13.	<b><u>AWARD MONTEREY ROAD AND MAIN AVENUE INTERSECTION IMPROVEMENT PROJECT</u></b> .....	99
	<b><u>Recommended Action(s):</u></b>	
	1. <b><u>Appropriate</u></b> \$225,000 from the Un-Appropriated Traffic Impact Fund Balance (309) to Fully Fund Construction and Associated Costs of this Project;	
	2. <b><u>Award</u></b> Contract to McGuire & Hester for the Construction of Monterey Road and Main Avenue Phase II Traffic Signal Modifications Project in the Amount of \$390,305; and	
	3. <b><u>Authorize</u></b> Expenditure of Construction Contingency Funds Not to Exceed \$39,030.	
14.	<b><u>AWARD OF CONTRACT TO PROVIDE PUBLIC WORKS TESTING AND INSPECTION SERVICES ON AN AS-NEEDED BASIS</u></b> .....	103
	<b><u>Recommended Action(s):</u></b>	
	1. <b><u>Approve</u></b> a Professional Services Contract with Testing Engineers, Inc. (TEI) to Provide Public Works Testing and Inspection Services on an As-Needed Basis at a Not-to-Exceed Cost of \$75,000 for Fiscal Year 2007-2008; and	
	2. <b><u>Authorize</u></b> the City Manager to Execute the Contract, Subject to Review and Approval by the City Attorney.	
15.	<b><u>CONTRACT FOR WORKERS' COMPENSATION THIRD PARTY ADMINISTRATOR (TPA)</u></b> .....	111
	<b><u>Recommended Action(s):</u></b> <b><u>Authorize</u></b> the City Manager to Execute a Consultant Services Agreement for Third Party Administration of Workers' Compensation at a Cost Not to Exceed \$50,000 Over the Term of the Agreement; Subject to Review and Approval by the City Attorney.	
16.	<b><u>APPROVE SPECIAL CITY COUNCIL MEETING MINUTES OF MAY 30, 2007</u></b> .....	133

**Time Estimate**

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**Consent Calendar: 1 - 10 Minutes**

17. **NEW AND AMENDED JOB DESCRIPTIONS AND SALARY RANGES** ..... 141  
Recommended Action(s):  
  1. **Adopt** Resolution Amending the Management, Professional, and Confidential Employees Resolution No. 6094 to Add and Amend Job Descriptions and Salary Ranges;
  2. **Amend** the AFSCME Memorandum of Understanding Approved by the City Council on October 5, 2005 to Add and Amend Job Descriptions and Salary Ranges; and
  3. **Amend** Fiscal Year 2007-2008 Authorized Personnel Allocations to Delete One Assistant Engineer Position and Add One Associate Engineer Position to Accommodate a Reclassification.
  
18. **FRIENDLY INN LEASE AGREEMENT WITH THE YMCA OF SANTA CLARA VALLEY** ..... 183  
Recommended Action(s): **Authorize** the City Manager to Execute a Lease Agreement Thru December 31, 2007 with the YMCA of Santa Clara Valley at the Friendly Inn.
  
19. **COYOTE VALLEY SPECIFIC PLAN DRAFT ENVIRONMENTAL IMPACT REPORT** ..... 195  
Recommended Action(s): **Direct** Mayor to Sign and Forward Comment Letter and South County Agencies Letter to the City of San Jose.
  
20. **ADOPT ORDINANCE NO. 1839, NEW SERIES** ..... 207  
Recommended Action(s): **Waive** the Reading, and **Adopt** Ordinance No. 1839, New Series, and **Declare** That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by Title and Further Reading Waived; Title as Follows: **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL AMENDING ARTICLE II, THE STANDARDS AND CRITERIA AND PROCEDURES OF THE RESIDENTIAL DEVELOPMENT CONTROL SYSTEM AS SET FORTH IN CHAPTER 18.78 OF THE MORGAN HILL MUNICIPAL CODE.**
  
21. **ADOPT ORDINANCE NO. 1840, NEW SERIES** ..... 257  
Recommended Action(s): **Waive** the Reading, and **Adopt** Ordinance No. 1840, New Series, and **Declare** That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by Title and Further Reading Waived; Title as Follows: **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL, CALIFORNIA, DESCRIBING THE MORGAN HILL REDEVELOPMENT AGENCY'S PROGRAM TO ACQUIRE REAL PROPERTY BY EMINENT DOMAIN.**
  
22. **ADOPT ORDINANCE NO. 1841, NEW SERIES** ..... 263  
Recommended Action(s): **Waive** the Reading, and **Adopt** Ordinance No. 1841, New Series, and **Declare** That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by Title and Further Reading Waived; Title as Follows: **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING AN AMENDMENT TO ORDINANCE NO. 1787 NEW SERIES, DAA-05-08: CHURCH-ALCINI, TO ALLOW FOR AN 8-MONTH EXTENSION OF THE COMMENCEMENT OF CONSTRUCTION DATE FOR 14 BUILDING ALLOCATIONS GRANTED FOR FISCAL YEAR 2006-2007 FOR MC 04-15: CHURCH – ALCINI. ALSO, APPROVED IS THE TRANSFER OF THE DEVELOPMENT AGREEMENT PERFORMANCE DATES OUT OF EXHIBIT “B” OF THE DEVELOPMENT AGREEMENT AND INTO A SEPARATE RESOLUTION. (APN 817-01-061 & 064) (DAA-05-08: CHURCH – ALCINI)**
  
23. **ADOPT ORDINANCE NO. 1842, NEW SERIES** ..... 269  
Recommended Action(s): **Waive** the Reading, and **Adopt** Ordinance No. 1842, New Series, and **Declare** That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by Title and Further Reading Waived; Title as Follows: **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL AMENDING THE DEVELOPMENT AGREEMENT FOR APPLICATION, DAA-06-06: MONTEREY - GUNTER TO ALLOW A ONE-YEAR EXTENSION OF THE COMMENCE CONSTRUCTION DEADLINE FOR THE FISCAL YEAR 2006-2007 BUILDING ALLOTMENTS. (DAA-06-06: MONTEREY – GUNTER)**

## ***Redevelopment Agency Action***

### **CONSENT CALENDAR:**

#### **ITEM 24**

Time Estimate Page  
Consent Calendar: 1 - 10 Minutes

24. **MAY 2007 FINANCE & INVESTMENT REPORT – RDA** ..... 275  
Recommended Action(s): Accept and File Report.

## ***City Council and Redevelopment Agency Action***

### **CONSENT CALENDAR:**

#### **ITEMS 25-26**

Time Estimate Page  
Consent Calendar: 1 - 10 Minutes

25. **APPROVE JOINT REGULAR CITY COUNCIL AND REGULAR REDEVELOPMENT AGENCY MEETING MINUTES OF JUNE 6, 2007** ..... 285
26. **APPROVE JOINT SPECIAL CITY COUNCIL AND SPECIAL REDEVELOPMENT AGENCY MEETING MINUTES OF JUNE 13, 2007** ..... 309

## ***City Council Action***

### **PUBLIC HEARINGS:**

Time Estimate Page

27. **1 Minute** **HEARING FOR EXEMPTION TO UNDERGROUNDING UTILITIES – 345 SPRING AVENUE** .....331  
Public Hearing Opened.  
Please Limit Your Remarks to 3 Minutes. Public Hearing Closed  
Council Discussion.  
Action- **Grant** Exemption to the Requirement to Underground Utilities with Payment of in Lieu Fees for the Proposed Development at 345 Spring Avenue.
28. **6 Minutes** **DEVELOPMENT AGREEMENT AMENDMENT, DAA: 04-09: EAST DUNNE-DELCO** .....335  
Public Hearing Opened.  
Please Limit Your Remarks to 3 Minutes. Public Hearing Closed  
Council Discussion.  
Action- **Motion to Waive** the Reading in Full of Ordinance.  
Action- **Motion to Introduce** Ordinance by Title Only. (Roll Call Vote)

## ***Redevelopment Agency Action***

### **PUBLIC HEARINGS:**

	<b>Time Estimate</b>		<b>Page</b>
29.	15 Minutes	<b><u>AMENDMENT TO THE FIVE YEAR IMPLEMENTATION PLAN (2004-2009)  ADDING A PUBLIC SAFETY PROGRAM</u></b> .....	361
		Public Hearing Opened. Please Limit Your Remarks to 3 Minutes. Public Hearing Closed Council Discussion. Action- <b><u>Adopt</u></b> Resolution Which Amends the Morgan Hill Redevelopment Agency Implementation Plan (2004-2009).	

## ***City Council Action***

### **OTHER BUSINESS:**

	<b>Time Estimate</b>		<b>Page</b>
30.	10 Minutes	<b><u>FOX HOLLOW/MURPHY SPRINGS LANDSCAPE ASSESSMENT DISTRICT –  CONTE GARDENS SUB AREA</u></b> .....	367
		<b><u>Recommended Action(s):</u></b> 1. <b><u>Continue</u></b> Current Financial Plan to Eliminate Fund Balance Deficit; and 2. <b><u>Continue</u></b> to Work with Conte Gardens Sub Area Property Owners and Adjacent Homeowners Associations to Improve the Condition of the Conte Gardens Sub Area.	
31.	10 Minutes	<b><u>STATE ASSEMBLY BILL 345 AND STATE ASSEMBLY BILL 346</u></b> .....	381
		<b><u>Recommended Action(s):</u></b> 1. <b><u>Adopt</u></b> Resolution Supporting AB 345 and AB 346; and 2. <b><u>Authorize</u></b> the Mayor to Send the Letter Supporting AB 345 and AB 346.	
32.	10 Minutes	<b><u>CABLE TELEVISION EDUCATIONAL ACCESS</u></b> .....	385
		<b><u>Recommended Action(s):</u></b> 1. <b><u>Designate</u></b> the Morgan Hill Unified School District (District) and Gavilan College as the Two Educational Access Cable Television Providers for the City of Morgan Hill; 2. <b><u>Authorize</u></b> the City Manager to Execute a Formal Agreement with the District and Gavilan College for a Term Not to Exceed Two Years, Subject to Review and Approval by the City Attorney. The Agreements Shall Specifically Require that Annual Reports be Submitted to the City Council; 3. <b><u>Direct</u></b> Staff to Notify Media Access Coalition of Central California (MACCC) That They are Welcome to Add Educational Programming to Channel 17; and 4. <b><u>Direct</u></b> Staff to Formally Request that Charter Cable Connect Each of the Designated Studies to the Cable System Within 60 Days.	
33.	10 Minutes	<b><u>METCALF ENERGY CENTER AIR MONITORING</u></b> .....	387
		<b><u>Recommended Action(s):</u></b> <b><u>Direct</u></b> Staff to Add Metcalf Energy Center Monitoring Station to an Upcoming Agenda of the City/School Liaison Committee.	
34.	20 Minutes	<b><u>CITY COUNCIL ADOPTED POLICIES AND PROCEDURES</u></b> .....	391
		<b><u>Recommended Action(s):</u></b> 1. <b><u>Review</u></b> Adopted City Council Policies and Procedures; and 2. <b><u>Reaffirm, Amend,</u></b> and/or <b><u>Delete</u></b> Policies, as Deemed Appropriate.	

**FUTURE COUNCIL AGENCY-INITIATED AGENDA ITEMS:**

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

***City Council Action***

**CLOSED SESSION:**

**1.**

**CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**

Authority:	Government Code Section 54956.9(a)
Case Name:	<u>Moniz v. City of Morgan Hill</u>
Case Number:	County of Santa Clara No. 1-05-CV-053742
Attendees:	City Manager; City Attorney

**OPPORTUNITY FOR PUBLIC COMMENT**

**ADJOURN TO CLOSED SESSION**

**RECONVENE**

**CLOSED SESSION ANNOUNCEMENT**

**ADJOURNMENT**



**PUBLIC COMMENTS ON ITEMS *NOT* APPEARING ON AGENDA**

Following the opening of Council/Agency business, the public may present comments on items *NOT* appearing on the agenda that are within the Council's/Agency's jurisdiction. Should your comments require Council/Agency action, your request will be placed on the next appropriate agenda. No Council/Agency discussion or action may be taken until your item appears on a future agenda. You may contact the City Clerk/Agency Secretary for specific time and dates. This procedure is in compliance with the California Public Meeting Law (Brown Act) G.C. 54950.5. Please limit your presentation to three (3) minutes.

**PUBLIC COMMENTS ON ITEMS APPEARING ON AGENDA**

The Morgan Hill City Council/Redevelopment Agency welcomes comments from all individuals on any agenda item being considered by the City Council/Redevelopment Agency. Please complete a Speaker Card and present it to the City Clerk/Agency Secretary. This will assist the Council/Agency Members in hearing your comments at the appropriate time. Speaker cards are available on the table in the foyer of the Council Chambers. In accordance with Government Code 54953.3 it is not a requirement to fill out a speaker card in order to speak to the Council/Agency. However, it is very helpful to the Council/Agency if speaker cards are submitted. As your name is called by the Mayor/Chairman, please walk to the podium and speak directly into the microphone. Clearly state your name and address and then proceed to comment on the agenda item. In the interest of brevity and timeliness and to ensure the participation of all those desiring an opportunity to speak, comments presented to the City Council/Agency Commission are limited to three minutes. We appreciate your cooperation.

**NOTICE**

**AMERICANS WITH DISABILITIES ACT (ADA)**

The City of Morgan Hill complies with the Americans with Disability Act (ADA) and will provide reasonable accommodation to individuals with disabilities to ensure equal access to all facilities, programs and services offered by the City. If you need special assistance to access the meeting room or to otherwise participate at this meeting, including auxiliary aids or services, please contact the Office of the City Clerk/Agency Secretary at City Hall, 17555 Peak Avenue or call 779-7259 or (Hearing Impaired only - TDD 776-7381) to request accommodation. Please make your request at least 48 hours prior to the meeting to enable staff to implement reasonable arrangements to assure accessibility to the meeting.

If assistance is needed regarding any item appearing on the City Council/Agency Commission agenda, please contact the Office of the City Clerk/Agency Secretary at City Hall, 17555 Peak Avenue or call 779-7259 or (Hearing Impaired only - TDD 776-7381) to request accommodation.

**NOTICE**

Notice is given, pursuant to Government Code Section 65009, that any challenge of Public Hearing Agenda items in court, may be limited to raising only those issues raised by you or on your behalf at the Public Hearing described in this notice, or in written correspondence delivered to the City Council/Agency Commission at, or prior to the Public Hearing on these matters.

**NOTICE**

The time within which judicial review must be sought of the action by the City Council/Agency Commission which acted upon any matter appearing on this agenda is governed by the provisions of Section 1094.6 of the California Code of Civil Procedure.